

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

VIAHART, LLC

V.

Does 1-299

Case No. 17-cv-8142

Judge: Hon. Andrea R. Wood

Magistrate: Hon. M. David Weisman

## DECLARATION OF DAVID GULBRANSEN

I, David Gulbransen, of Chicago, Illinois, declare as follows:

1. I am over 18 years of age. I have personal knowledge of the facts set forth herein. I make this declaration in support of Plaintiff's Ex Parte Motion for Entry of Temporary Restraining Order (the "Ex Parte Motion for TRO") and, if called as a witness, I could and would competently testify as follows:

2. I am an attorney at law, duly admitted to practice before the Courts of the State of Illinois, the United States District Court for the Northern District of Illinois.

3. Plaintiff is seeking ex parte relief and is requesting service by email and electronic publication to Defendants Identified on Schedule “A” to Plaintiff’s Complaint (collectively “Defendants”). Defendants operate webstores to sell counterfeit products in violation of Plaintiff’s trademark (“Counterfeit Products”). In my personal experience working with brand owners who have identified websites and webstore listings selling counterfeit products, if

Plaintiff proceeds on normal advance notice prior to seeking to preclude modification of control of the webstores, the Defendants can easily and quickly transfer data and content to other Webstores. Defendants will also transfer assets from U.S.-based financial institutions to offshore accounts outside the jurisdiction of this Court. Such actions by Defendants will effectively thwart Plaintiff's ability to obtain meaningful relief and will continue to irreparably harm Plaintiff through Defendants' sale of Counterfeit Products.


4. Upon entry of a Temporary Restraining Order in this matter, I will notify the Defendants by sending copies of Plaintiff's Ex Parte Motion for TRO and supporting papers via e-mail to the e-mail addresses provided by the Defendants to the Websites responsible for hosting their respective Webstores.

5. A listing of selected examples Defendants' unauthorized use of the BRAIN FLAKES on the Infringing Webstore listings to advertise the sale of Counterfeit Products is attached hereto as Exhibit 1. This document was prepared by the Plaintiffs and their employees or contractors under their direction and supervision and I have authenticated the listings myself. In this exhibit, selected screenshots of the listings from Defendants' Infringing Webstores appear with the BRAIN FLAKES trademark listed in the listing title, images associated with the listing, and/or within the description of the product itself.

8. Genuine and authentic copies of the unpublished decisions cited in Plaintiff's Memorandum of Law in Support of Ex Parte Motion for TRO are attached hereto as Exhibit 2.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated this 10<sup>th</sup> of November 2017.

  
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David Gulbransen